

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.902 of 2007
BHARAT GIRI
Versus
STATE OF BIHAR & ANR

3. 17.9.2008. This application has been filed against the order dated 31st May,2007 passed by Family Court, Aurangabad in Misc. Case No.31 of 2006 thereby the petitioner has been directed to pay maintenance to the opposite party no.2 at the rate of Rs.1,000/- per month from the date of application.

This application is heard on point of quantum of maintenance.

Heard the learned counsel for both the parties.

It is submitted by the learned counsel for the petitioner that the petitioner is Hawker. He has no income to pay Rs.1,000/- as a maintenance to the opposite party no.2. On the other hand, the learned counsel for the opposite party no.2 submitted that the petitioner and his family have sweet's shop and earn Rs.10,000/- per month apart from income from the rent of the building.

Considered the submission of the learned counsel for the parties and perused the impugned order. In the impugned order, no income of the petitioner has been assessed. There is general finding that the petitioner is entitled to pay maintenance to the opposite party no.2.

Having regard to the facts and circumstances of the case as well as the fact that the petitioner is Hawker and has no specific

income, I am of the view that the quantum of maintenance awarded by the court below deserves to be modified. Accordingly, the petitioner is directed to pay maintenance of Rs.800/- per month from the date of application as directed by the court below instead of Rs.1,000/- per month.

With the above observation, this application is dismissed.

(Ghanshyam Prasad)

N.H./

